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THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In re:

CORBIN WILLIAM ARCHER and
LISA ANN COLLET ARCHER

Debtors.

Bankruptcy Case 22-24511
(Chapter 13)

Judge Kevin R. Anderson

FILED ELECTRONICALLY

**EX PARTE MOTION FOR ENTRY OF AN ORDER
PURSUANT TO 11 U.S.C. § 362(c)(4)(A)(ii)**

Pursuant to 11 U.S.C. §§ 105 and 362(c)(4)(A)(ii), Federal Rule of Bankruptcy Procedure 4001, and the Local Rules of Practice, Creditor Glass Mechanix Solutions, Inc. (“Creditor”), by and through undersigned counsel, hereby moves the Court for an order confirming that no stay is in effect as to the debtors and their property.

In support of this Motion, Creditor respectfully states as follows:

BACKGROUND

1. Debtors Corbin William Archer (“Mr. Archer”) and Lisa Ann Collet Archer (“Ms. Archer”) (collectively, “Debtors”) have filed three bankruptcy cases (all in this court) in the past twelve (12) months.

2. Debtors' first bankruptcy case was filed on May 15, 2022 and is identified as bankruptcy case 22-21783 (the "First Bankruptcy Case").

3. The First Bankruptcy case was dismissed on June 30, 2022 and closed on September 26, 2022.

4. Debtors' second bankruptcy case was filed on August 26, 2022 and is identified as bankruptcy case 22-23333 (the "Second Bankruptcy Case").

5. The Second Bankruptcy case was dismissed as to Ms. Archer on September 28, 2022 and as to Mr. Archer on October 12, 2022.

6. The Second Bankruptcy Case has not yet been closed.

7. Debtors filed this case on November 16, 2022.

ARGUMENT

11 U.S.C. § 362(c)(4)(A)(i) states:

if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case;

11 U.S.C. § 362(c)(4)(A)(ii) states:

on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

This is Debtors' third bankruptcy filing in the last twelve (12) months. Thus, no automatic stay went into effect upon the filing of this case, and Creditor requests an order confirming that no automatic stay is in effect.

CONCLUSION

WHEREFORE, based on the foregoing, Creditor respectfully requests that the Court enter an order confirming that no automatic stay is in place with respect to Debtors or their property.

DATED this 16th day of November, 2022.

MCKAY, BURTON & THURMAN, P.C.

/s/ Mark C. Rose
Mark C. Rose
Attorneys for Creditor Glass Mechanix Solutions, Inc.

CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on November 16, 2022, I electronically filed the foregoing **EX PARTE MOTION FOR ENTRY OF AN ORDER PURSUANT TO 11 U.S.C. § 362(C)(4)(A)(II)** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF 3sers and will be served through the CM/ECF system.

Mark C. Rose, mrose@mbt-law.com; markcroselegal@gmail.com
All other parties entitled to CM-ECF notice in this matter

CERTIFICATE OF SERVICE – MAIL, OTHER

Mail Service - By regular first-class United States mail, postage fully pre-paid, addressed to:

Corbin William Archer
3861 East Evelyn Drive
Salt Lake City, Utah 84124

Lisa Ann Collett Archer
3861 East Evelyn Drive
Salt Lake City, Utah 84124

/s/ Karin Powell